



Federal Election Commission  
Washington, DC 20463

February 18, 2009

S. Scott Rafshoon  
McKenna Long and Aldridge  
303 Peachtree Street NE, Suite 5300  
Atlanta, GA 30331

Re: ADR 402 (RAD 07L-20)  
John Lewis for Congress and Lillian Lewis, Treasurer

Dear Mr. Rafshoon:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 8, 2007 with the Federal Election Commission ("FEC/Commission") against John Lewis for Congress and Lillian Lewis, Treasurer ("Respondents"). The agreement for ADR 402 (RAD 07L-20) was approved by the Commission on February 10, 2009 – the effective date of the agreement.

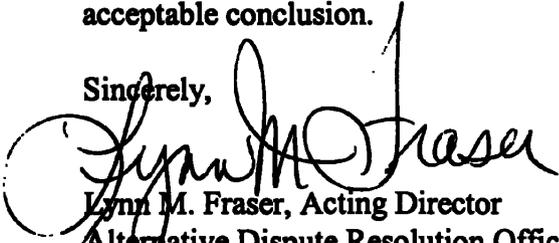
Note the specific time frames for compliance in paragraph 11 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 8 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 8 and contain the ADR caption and case number. **The civil penalty payment should be sent to the attention of the Accounting/Finance Office of the FEC. The civil penalty under the agreement is due on March 12, 2009. Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.**

As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

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This agreement resolves the matter that was initiated by the Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities regarding violations of federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,



Lynn M. Fraser, Acting Director  
Alternative Dispute Resolution Office  
202-694-1665

Enclosure: Agreement

cc: Ken Pezzella, Finance and Accounting Office  
Room 819

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**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 402  
Source: RAD 07L-20  
Case Name: John Lewis for Congress

### **NEGOTIATED SETTLEMENT**

This matter was initiated by the Federal Election Commission (Commission) pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, (FECA) and resolve this matter, the Commission entered into negotiations with G. Scott Rafshoon, Esq. and Amol Naik, Esq., representing John Lewis for Congress and George W. Darden, in his official capacity as Treasurer<sup>1</sup> (the Committee or Respondents). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division (RAD) originally referred Respondents for failing to disclose all financial activity on their 2006 12 Day Pre-Primary. Respondents filed their original 2006 12 Day Pre-Primary Report on July 7, 2006. Respondents filed amended 2006 12 Day Pre-Primary Reports on August 7, 2006 and October 15, 2006. The amended 2006 12 Day Pre-Primary Report disclosed an increase in receipts of \$58,475.
4. Respondents contend that upon receipt of the original RAD referral, they voluntarily conducted a comprehensive review of the Committee's financial records from January 1, 2005 forward. The Committee then filed a series of amended reports in December 2007 to reconcile its financial records to reports filed with the Commission.

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<sup>1</sup> George W. Darden became the Treasurer effective December 3, 2007.

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5. In response to the December 2007 amendments, RAD referred Respondents for failing to disclose all financial activity on their 2005 April Quarterly, 2006 12 Day Pre-Primary, 2006 October Quarterly, and the 2006 30 Day Post-General Reports. The amended 2005 April Quarterly Report disclosed an increase of \$73,630.42 in cash-on-hand, and an increase in receipts of \$76,283.74. The amended 2006 12 Day Pre-Primary Report disclosed increased receipts of \$69,750 and an increase in disbursements of \$100,204. The amended 2006 October Quarterly Report disclosed a decrease in disbursements of \$72,912.91. The amended 2006 30 Day Post-General Report disclosed an increase in disbursements of \$127,824.90.
6. Treasurers of political committees are required to report all financial activity, including all receipts and all disbursements, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(2), 434(b)(4), 11 C.F.R. §§ 104.1, 104.3(a), and 104.3(b).
7. Respondents acknowledge inadvertent omissions and errors on the reports in question. Respondents contend that the errors and omissions occurred due to clerical errors, and were exacerbated, for the latter reports, by changes in the Committee's systems for accounting of receipts and disbursements. Respondents asserted that following discovery of these discrepancies in the record, they retained the services of a compliance specialist, did a voluntary reconciliation of the Committee's financial records to its reports filed with the FEC from January 1, 2005 to the present, and put procedures in place to enhance future compliance.
8. Respondents, in an effort to avoid similar errors in the future, agree to: (a) send a representative to a FEC seminar within twelve (12) months; (b) develop a compliance manual for staff use; and (c) pay a civil penalty of \$4,000.
9. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
10. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty to the U.S. Treasury for collection or undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
11. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms within thirty (30) days from the effective date of this agreement.
12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 402 (RAD 07L-20), and effectively resolves the issues identified in paragraphs 3 and 5 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

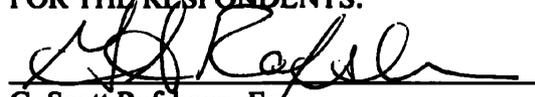
FOR THE COMMISSION:

Lynn M. Fraser, Acting Director  
Alternative Dispute Resolution Office

  
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2-10-09  
Date Signed

FOR THE RESPONDENTS:

  
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G. Scott Rafshoon, Esq.  
Representing John Lewis for Congress and  
George W. Darden, Treasurer

8/14/08  
Date Signed

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